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**Attorneys for Plaintiff Volvo  
Construction Equipment Rents, Inc.**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

# VOLVO CONSTRUCTION EQUIPMENT RENTS, INC.

Case No: 2:09-cv-32

**Plaintiff.**

vs.

NRL RENTALS, LLC, NRL TEXAS  
RENTALS, LLC, NRL SAN ANTONIO  
RENTALS, LP, NRL HIGH ACCESS, LLC,  
VEGAS RENTS, LLC, ROBERT BALLI,  
HILARY BALLI, R& H.P. BALLI FAMILY  
TRUST, NICK BALLI, LARRY CHAVEZ,  
BOSWORTH NEVADA INVESTMENTS, LLC,  
BOSWORTH FARMS, INC., DWIGHT  
BOSWORTH, MARCEL BOSWORTH,  
MARINA QUEST, INC., MARINE QUEST-  
JOE POOL, INC., MARINE QUEST-TEXOMA,  
LP, MARINE QUEST TEXOMA II, LP,  
MARINE QUEST-CAPTAINS COVE, LP,  
MARINE QUEST-EAGLE MOUNTAIN, LP,  
MARINE QUEST-ANDERSON MILL, LP,  
MARINE QUEST-MARSHALL FORD, LP,  
MARINE QUEST-HARBOR ONE, LP,  
MARINE QUEST-BOZ I, LP, MARINE  
QUEST-HIDDEN COVE LP, MARINE  
QUEST-EXECUTIVE, LP, MARINE QUEST-  
CHANDLER'S LANDING, LP, MARINE  
QUEST-LAKE COUNTRY, LP, MARINE

**PLAINTIFF'S MOTION FOR ORDER TO  
ISSUE TITLES**

1 QUEST-INVESTMENTS, LP, TARRANT  
 2 COUNTY MARINA ENTERPRISES, INC.,  
 3 LAKE COUNTRY MARINA, INC., ELITE  
 4 MARINE MANAGEMENT, LLC, JEFFERSON  
 5 BANK, PLAINSCAPITAL BANK,

Defendants.

6 Plaintiff, Volvo Construction Equipment Rents, Inc. (“VRI”), by and through its counsel  
 7 of record, respectfully moves this Court for an Order Issuing Title.

8 **I. INTRODUCTION.**

9 VRI respectfully requests this Court issue an Order for the Nevada Department of Motor  
 10 Vehicles (“DMV”) to issue title to certain equipment to VRI. Pursuant to its Writ of Possession  
 11 and Expanded Writ of Possession, VRI has repossessed certain equipment and attempted to sell  
 12 the equipment to mitigate its losses in this case. However, VRI has been unable to sell certain  
 13 pieces of equipment because there is no record of title for the equipment. As such, the DMV has  
 14 required VRI to obtain a Court Order requiring title to issue so that the equipment may be sold.

15 **II. STATEMENT OF FACTS AND PROCEDURAL HISTORY.**

16 VRI’s original Writ of Possession was granted on May 14, 2009 (#68). Further, VRI  
 17 obtained an Expanded Writ of Possession on March 2, 2010, to recover equipment from  
 18 additional sites identified by its representatives. (#255). Pursuant to these Orders, VRI has  
 19 repossessed equipment.  
 20

21 Nonetheless, VRI has faced issues attempting to sell equipment appropriately repossessed  
 22 pursuant to the Writs of Possession.<sup>1</sup> VRI is in possession of the following equipment pursuant  
 23 to the Writs of Possession (the “Equipment”):

24 ...

25 ...

26 ...

---

27 <sup>1</sup> See Declaration of Brian Bradley attached as Ex. 1.  
 28

<u>Equipment</u>	<u>Vehicle Identification Number</u>
Wacker G5038KW	4TCSU185054185536
1999 Freightliner	1FUYDCXB5XPAO7779
Wacker G5038KW	4TCSU18545H185541
Whiteman Trailer	4CNFU10155BO14636
Trailer	4TCsv18505H185665
2005 International Rollback	1HTMxAAN15H689802

VRI has not been able to sell the Equipment because there is no current record of title for each piece. For instance, the Wacker G5038KW (Vin 4TCSU185054185536) was previously registered to Volvo Rents and NRL, but now no record of title exists.<sup>2</sup> Further, some of the Equipment listed above simply has no title information.<sup>3</sup> The Nevada DMV has advised that in order to obtain title to this equipment, it requires a Court Order to issue titles.<sup>4</sup>

### III. LAW AND ARGUMENT.

Pursuant to the Writ of Possession and the Expanded Writ of Possession, VRI is entitled to exercise its ownership rights over the Equipment. Currently, VRI is attempting to sell repossessed equipment to mitigate the harm caused by the Defendants in this action. However, without valid titles to the above listed equipment, VRI cannot exercise this right. See Exs. 1 and 4. Therefore, VRI respectfully requests this Court issue titles to the above listed equipment. A proposed Order is attached as Ex. 5.

### IV. CONCLUSION.

VRI respectfully requests this Court issue an Order to the Nevada DMV requiring titles to be issued for equipment VRI owns pursuant to the Writs of Possession. Given the facts and

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<sup>2</sup> See State of Nevada DMV records attached collectively as Ex. 2.

<sup>3</sup> See Nevada DMV records attached collectively as Ex. 3.

<sup>4</sup> See Declaration of Jason M. Gerber, Esq. attached as Ex. 4.

circumstances, it is appropriate that an Order issue so that VRI may exercise its rights with regard to the equipment and mitigate its damages in this case.

DATED: This 27<sup>th</sup> day of April, 2010.

MARQUIS & AURBACH

/s/ Jason M. Gerber, Esq.  
ALBERT G. MARQUIS, ESQ.  
Nevada Bar No. 1919  
JASON M. GERBER, ESQ.  
Nevada Bar No. 9812  
10001 Park Run Drive  
Las Vegas, NV 89145

/s/ Robert W. McIntyre, Esq.  
ROBERT W. MCINTYRE (0006768)  
MCINTYRE KAHN & KRUSE CO., L.P.A.  
The Galleria & Towers at Erieview  
1301 East Ninth Street, Suite 2200  
Cleveland, Ohio 44114  
**Attorneys for Plaintiff Volvo**  
**Construction Equipment Rents, Inc.**

**PROOF OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of April, 2010, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

By/s/ Jason M. Gerber, Esq.  
JASON M. GERBER, ESQ.  
Nevada Bar No. 9812  
Attorneys for Plaintiff Volvo  
Construction Equipment Rents, Inc.

# **EXHIBIT 1**

DECLARATION OF BRIAN BRADLEY

COUNTY OF Buncombe )  
 STATE OF North Carolina ) SS:  
 )

Brian Bradley being first duly sworn deposes and says that he has personal knowledge and is competent to testify to the following matters:

1. I am a supervising manager of and for Volvo Construction Equipment Rental, Inc. ("VRI"), and I am the authorized representative of and for VRI in this Declaration. Further, this Declaration incorporates my prior Declarations associated with VRI's Writ of Possession and Motions to Expand the Writ of Possession.
2. Pursuant to Writs of Possession issued by the Court, VRI has repossessed several pieces of equipment. VRI, however, has faced issues attempting to sell equipment appropriately repossessed pursuant to the Writs of Possession.
3. I am familiar with the repossession efforts being conducted by VRI and its representatives in Nevada and Texas. Throughout these efforts, VRI has been able to obtain possession of Equipment subject to the Writ of Possession and Expanded Writ of Possession. VRI has been selling the Equipment at auction to recoup its losses caused by the Defendants' conduct.
4. However, several pieces of Equipment were repossessed by VRI pursuant to the Writ and have not been sold. In particular, several pieces of Equipment do not have valid titles. As such, VRI is unable to sell the Equipment at auction.
5. The Equipment currently held by VRI pursuant to the Writ of Possession without valid title information is as follows:

<u>Equipment</u>	<u>Vehicle Identification Number</u>
Wacker G5038KW	4TCSU185054185536

1999 Freightliner	1FUYDCXB5XPAO7779
Wacker G5038KW	4TCSU18545H185541
Whiteman Trailer	4CNFU10155BO14636
Trailer	4TCSV18505H185665
2005 International Rollback	1HTMXAAN15H689802

6. I am familiar with the list of Equipment that is in VRI's possession without valid titles. Further, I believe the list of Equipment adequately and accurately summarizes the Equipment VRI is holding without valid titles. This Equipment cannot be sold until titles are issued.

7. I am familiar with the DMV records attached in support of this Motion as Exs. 2 and 3. These documents were obtained by VRI through its subpoena and these documents show there are currently no valid titles for the information on this list. As such, VRI cannot sell the Equipment at auction without valid title.

FURTHER DECLARANT SAYETH NAUGHT



Brian Bradley

# **EXHIBIT 2**

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
CENTRAL SERVICES - RECORDS DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0250  
(775) 684-4590

REQUEST DATE : 10/23/2009

SUP. TRAN. ID : 51732129

MARQUIS & AURBACH  
10001 PARK RUN DR  
LAS VEGAS NV 89145-8857

VEHICLE REGISTRATION DATA

I - VEHICLE DATA

YEAR : 1999 MAKE : FRHT MODEL : CONVENTI CYL : 6  
VIN : 1FUYDCXB5XPA07779 VEHCL TYPE : TRU-TRUCK TRACTOR (DIESEL)

II - REGISTRATION INFORMATION

EXPIRATION DATE :

LAST TRANSACTION DATE:

\*\*\*\*\*  
PAGE NO: 1\*\* LAST PAGE \*\*

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
CENTRAL SERVICES - RECORDS DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0250  
(775)684-4590

REQUEST DATE : 10/23/2009

SUP.TRAN.ID : 51732129

MARQUIS & AURBACH  
10001 PARK RUN DR  
LAS VEGAS NV 89145-8857

VEHICLE TITLE DATA

I - VEHICLE DATA

YEAR : 1999 MAKE : FRHT MODEL : CONVENTI CYL : 6 OPTL NO : NOT AVL  
VIN : 1FUYDCXB5XPA07779 VEHCL TYPE : TRU-TRUCK TRACTOR (DIESEL)

II - TITLE INFORMATION

TITLE NO : NV001622134 ODMTR RG : NOT AVL  
STATUS : ORIGINAL ODMTR BR : EXEMPT WEIGHT  
TITLE ISSUE DATE : 02/20/2007

OWNER TYPE : REGISTERED COMBN TYPE : NONE  
NAME : VOLVO RENTS  
ADDRESS : 5255 S VALLEY VIEW BLVD  
CITY/STATE : LAS VEGAS NV 89118-1710

OWNER TYPE : REGISTERED COMBN TYPE : DOING BUSINESS AS  
NAME : NRL RENTALS, LLC  
ADDRESS : 5255 S VALLEY VIEW BLVD  
CITY/STATE : LAS VEGAS NV 89118-1710

\*\*\*\*\*  
PAGE NO: 1\*\* LAST PAGE \*\*

3013

1FUYDCXB5XPA07779      VA      1999      FRHT

TDS      CONVENTION 29000      EXEMPT WEIGHT

NV001622134      3565 02/20/2007 ORIGINAL

NRL RENTALS, LLC  
5255 S VALLEY VIEW BLVD  
LAS VEGAS NV 89118-1710

NRL RENTALS, LLC  
VOLVO RENTS  
5255 S VALLEY VIEW BLVD  
LAS VEGAS NV 89118-1710

DOING BUSINESS AS

PSF1

(702) 339-6421 *lwh*

## STATE OF CALIFORNIA

51099010810

## CERTIFICATE OF TITLE

## COMMERCIAL

## VEHICLE ID NUMBER

1FUYDCXB5XPA07779

## BODY TYPE MODEL

DS

UNLADEN  
AX WEIGHT FUEL TRANSFER DATE  
**3 15500 D**

YR 1ST SOLD CLASS \*YR MO EQUIPM'T/TRUST NUMBER  
**1998 PM** EM **98064**

YR MODEL MAKE  
**1999 FRHT**

FEES PAID  
**\$2140**PLATE NUMBER  
**9A90640**REGISTRATION EXPIRATION DATE  
**11/30/1999**ISSUE DATE  
**01/20/99**

MOTORCYCLE ENGINE NUMBER

ODOMETER DATE

ODOMETER READING

## REGISTERED OWNER(S)

**SCULLY TRANS SVCS INC**  
**10641 ALMOND AVE**  
**FONTANA CA 92337**

-----

I certify under penalty of perjury under the laws of the State of California, that THE SIGNATURE(S) BELOW RELEASES INTEREST IN THE VEHICLE.

1a 12/15/05 X*Oliver*  
**SCULLY TRANSPORTATION SERVICES, INC.**1b X

DATE

SIGNATURE OF REGISTERED OWNER

Federal and State law requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

The odometer now reads 4 820 510 (no tenths), miles and to the best of my knowledge reflects the actual mileage unless one of the following statements is checked.

WARNING  Odometer reading is not the actual mileage  Mileage exceeds the odometer mechanical limits

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE

TRANSPORER/SELLER'S SIGNATURE

DATE

TRANSPeree/Buyer's SIGNATURE(S)

*SCULLY TRANSPORTATION SERVICES, INC.*

NAME OF AGENT SIGNING FOR A COMPANY

*SCULLY TRANSPORTATION SERVICES, INC.*

## IMPORTANT HEAD CAREFULLY

Any change of Lienholder (holder of security interest) must be reported to the Department of Motor Vehicles within 10 days.

DaimlerChrysler Services North America LLC,

Successor by merger to Mercedes-Benz

Credit Corporation

*ASSOCIATE*

Signature releases interest in vehicle (Company names must be countersigned)

Release Date MAY 02 2005*CA37313373*

018150

REG 1730 (REV 2/98)

KEEP IN A SAFE PLACE — VOID IF ALTERED

APPLICATION FOR TRANSFER BY NEW OWNER *(Please print or type.)*

Any change of registered owner or lienholder must be recorded with the Department of Motor Vehicles (DMV) within ten (10) days. The title, transfer fee and in most instances, use tax and a smog certificate must be presented to DMV to record the ownership change.

3a TRUE FULL NAME(S) OF NEW REGISTERED OWNER(S) (LAST, FIRST, MIDDLE) AS IT APPEARS ON DRIVER'S LICENSE OR ID CARD

NRI RENTALS LLC

3b  AND (LAST, FIRST, MIDDLE)

OR dba VOLVO RENTS

4 STREET ADDRESS OR P.O. BOX NUMBER

5255 S VALLEY VIEW BLVD

STATE

ZIP CODE

5 CITY

LAS VEGAS

NV

89118

6 MAILING ADDRESS STREET OR P.O. BOX NUMBER (DO NOT COMPLETE IF SAME AS RESIDENCE ABOVE)

7 CITY

STATE

ZIP CODE

8 FOR TRAILER COACHES ONLY - ADDRESS OR LOCATION WHERE KEPT

9 FOR TRAILER COACHES ONLY - ADDRESS OR LOCATION WHERE KEPT

I certify under penalty of perjury under the laws of the State of California that the information entered by me on this document is true and correct. If there is a mailing address entered on this form, it is a valid, existing and accurate address. I consent to receive service of process at this mailing address pursuant to Civil Procedures Code Sections 415.20(b), 415.30(a) and 418.90.

9a. DATE

2/23/06

SIGNATURE OF NEW REGISTERED OWNER

CALIFORNIA DRIVER LICENSE OR ID CARD NO

PURCHASE DATE

2/23/06

9b. DATE

X

SIGNATURE OF NEW REGISTERED OWNER

CALIFORNIA DRIVER LICENSE OR ID CARD NO

PURCHASE PRICE OR IF GIFT, SO STATE

\$29,000.00

LEASED TO ADDRESS OF NEW LESSEE IF DIFFERENT FROM LINE 4 ABOVE (WILL NOT BE PRINTED ON TITLE)

VEH. ONLY

11 NAME OF LIENHOLDER - FIRM OR INDIVIDUAL HOLDING SECURITY INTEREST (IF NO LIEN, WRITE "NONE") DO NOT ENTER NAME OF REGISTERED OWNER(S) ABOVE. ELECTRONIC LIENHOLDER ID

NONE

ELT #

12 STREET ADDRESS OR P.O. BOX NUMBER

13 CITY

STATE

ZIP CODE

## TITLE REASSIGNMENTS BY LICENSED CALIFORNIA DEALERS

FEDERAL LAW REQUIRES that you state the mileage upon transfer of ownership. Failure to complete or making a false statement may result in fines and / or imprisonment.

I certify under penalty of perjury under the laws of the State of California that the signature below releases my interest in this vehicle, acknowledges the odometer mileage recorded by the seller, and certifies that the odometer reading entered above my signature (in compliance with Federal law) and the other information entered by me on this document are true and correct.

14

Odometer now reads 4521,1050 (no tenths) miles, and to the best of my knowledge reflects the actual mileage of the vehicle unless one of the following statements is checked. **WARNING - Mileage**  is not the actual mileage  exceeds the odometer mechanical limits

R/S NUMBER

9869984

DATE 12/15/05 SIGNATURE OF AUTHORIZED AGENT X PRINTED NAME OF AGENT CHUCK HILL DEALER NAME Scalby Truck Center DEALER NUMBER 44627

DATE 12/15/05 BUYER'S SIGNATURE ACKNOWLEDGES ODOMETER READING X - my finger PRINTED NAME OF BUYER SCALBY TRUCK CENTER DEALER NUMBER 44627

T SOLD THROUGH DATE OF AUCTION AUCTION NAME DEALER NUMBER  
R AUCTION IF APPLICABLE

15 DATE 5-23-06 SIGNATURE OF AUTHORIZED AGENT X - my finger PRINTED NAME OF AGENT CHUCK HILL DEALER NAME CARMENITA TRUCK CENTER DEALER NUMBER 95639

DATE 5-23-06 BUYER'S SIGNATURE ACKNOWLEDGES ODOMETER READING X - my finger PRINTED NAME OF BUYER OR AGENT CHUCK HILL SALES PERSON'S NO 95639

T ACTIONS ONLY SOLD THROUGH DATE OF AUCTION AUCTION NAME DEALER NUMBER  
R AUCTION IF APPLICABLE

16 DATE 5-23-06 SIGNATURE OF AUTHORIZED AGENT X PRINTED NAME OF AGENT CHUCK HILL DEALER NAME CARMENITA TRUCK CENTER DEALER NUMBER 95639

DATE 5-23-06 BUYER'S SIGNATURE ACKNOWLEDGES ODOMETER READING X PRINTED NAME OF BUYER OR AGENT CHUCK HILL SALES PERSON'S NO 95639



555 WRIGHT WAY  
CARSON CITY, NV 89711  
Reno/Sparks/Carson City (775) 684-4DMV (4368)  
Las Vegas Area (702) 486-4DMV (4368)  
Rural Nevada (877) 368-7828  
[www.dmvnv.com](http://www.dmvnv.com)

## ONE AND THE SAME AFFIDAVIT

STATE OF CALIFORNIA } ss  
COUNTY OF SAN BERNARDINO

Please Print

I, Chinta Hari for Scully Transportation Services Inc., hereby swear under penalty of NRS 482.545 that the following assertions are true of my own personal knowledge:

1. I reside at 10641 Almond Avenue  
Address  
Fontana CA 92337  
City State Zip Code

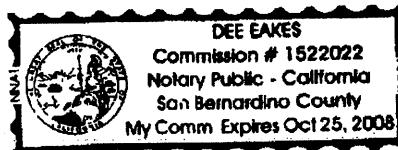
2. I, Scully Transportation Services Inc and Scully Truck Center are all related through common ownership/ principals/ management/ or financial interests.

Dated this 9th day of February, 2007.

Affiant's Signature Chinta Hari for Scully Transportation Services Inc.

Subscribed and sworn to before me this 9th day of February 2007

Dee Eakes  
Notary Public or Authorized Nevada DMV Representative





**APPLICATION INSTRUCTIONS**  
NOTE DO NOT MOISTEN DECAL

- Thoroughly clean upper right hand corner of license plate. Remove wax, tar and other foreign matter.
- Remove decal from paper backing by bending over index finger (decal side up), and peeling at scoreline.
- Position decal directly on the cleaned portion of license plate.
- Firmly rub decal and edges down with thumb.

<b>NEVADA MOTOR CARRIER VEHICLE IDENTIFICATION</b>					ORIGINAL CARD MUST BE KEPT IN VEHICLE	
					<b>2007</b>	Expires 12/31/07
					<b>NV 26200</b>	
151143	41	777777	1	1		
CARRIER NUMBER	TYPE	PLATE NUMBER	UNIT NUMBER	NAME STATE		
151143	11011111111111111111		1	1		
YEAR-MAKE	SERIAL NUMBER	VEHICLE TYPE	COMBINED GVW	FUEL	MONTH	VEH STATUS
FIRL RENTALS LLC FIRL RENTALS LLC						
4900 S VALLEY VIEW BLVD						
LAS VEGAS NV 89111						

PLATES AND CAB CARD MUST BE RETURNED WHEN NOT OPERATING THE VEHICLE.

N  
E  
V  
A  
D  
A

# EXHIBIT 3

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
CENTRAL SERVICES - RECORDS DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0250  
(775) 684-4590

REQUEST DATE : 10/23/2009

SUP.TRAN.ID : 51732129

MARQUIS & AURBACH  
10001 PARK RUN DR  
LAS VEGAS NV 89145-8857

NO REGISTRATION INFO AVAILABLE VIN : 4TCSU18505H185536  
4TCSU18505H185536 NO VEHICLE DETAILS COULD BE FOUND FOR THE GIVEN VIN

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
CENTRAL SERVICES - RECORDS DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0250  
(775)684-4590

REQUEST DATE : 10/23/2009

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MARQUIS & AURBACH  
10001 PARK RUN DR  
LAS VEGAS NV 89145-8857

NO REGISTRATION INFO AVAILABLE VIN : 4TCSU18505H185665  
4TCSU18505H185665 NO VEHICLE DETAILS COULD BE FOUND FOR THE GIVEN VIN

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
CENTRAL SERVICES - RECORDS DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0250  
(775) 684-4590

REQUEST DATE : 10/23/2009

SUP.TRAN.ID : 51732129

MARQUIS & AURBACH  
10001 PARK RUN DR  
LAS VEGAS NV 89145-8857

NO REGISTRATION INFO AVAILABLE VIN : 4TCSU18545H185541  
4TCSU18545H185541 NO VEHICLE DETAILS COULD BE FOUND FOR THE GIVEN VIN

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
CENTRAL SERVICES - RECORDS DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0250  
(775)684-4590

REQUEST DATE : 10/23/2009

SUP.TRAN.ID : 51732129

MARQUIS & AURBACH  
10001 PARK RUN DR  
LAS VEGAS NV 89145-8857

NO REGISTRATION INFO AVAILABLE VIN : 4GNFU10155B014636  
4GNFU10155B014636 NO VEHICLE DETAILS COULD BE FOUND FOR THE GIVEN VIN

STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
CENTRAL SERVICES - RECORDS DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0250  
(775) 684-4590

REQUEST DATE : 10/23/2009

SUP.TRAN.ID : 51732129

MARQUIS & AURBACH  
10001 PARK RUN DR  
LAS VEGAS NV 89145-8857

NO TITLE OR VEHICLE INFO AVAILABLE VIN : 4GNFU10155B014636

# **EXHIBIT 4**

**Marquis & Aurbach**  
ALBERT G. MARQUIS, ESQ.  
Nevada Bar No. 1919  
JASON M. GERBER, ESQ.  
Nevada Bar No. 9812  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711  
E-mail: [jgerber@marquisaurbach.com](mailto:jgerber@marquisaurbach.com)  
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

# VOLVO CONSTRUCTION EQUIPMENT RENTS, INC.,

Case No: 2:09-cv-32

10 Plaintiff,

11 || VS.

NRL RENTALS, L.L.C., NRL TEXAS  
RENTALS, L.L.C., NRL SAN ANTONIO  
RENTALS, LP, ROBERT BALLI, HILARY  
BALLI, R& H.P. BALLI FAMILY TRUST,  
BOSWORTH NEVADA INVESTMENTS LLC,  
DWIGHT BOSWORTH, MARCEL  
BOSWORTH, MARINE QUEST-JOE POOL,  
LP, MARINE QUEST-TEXOMA, LP, MARINE  
QUEST-CAPTAINS COVE, LP, MARINE  
QUEST-EAGLE MOUNTAIN, LP, MARINE  
QUEST-ANDERSON MILL, LP, MARINE  
QUEST-MARSHALL FORD, LP, MARINE  
QUEST-HARBOR ONE, LP, MARINE  
QUEST-BOZ I, LP, MARINE QUEST-HIDDEN  
COVE LP, MARINE QUEST-EXECUTIVE, LP,  
MARINE QUEST-CHANDLER'S LANCING,  
LP, MARINE QUEST-LAKE COUNTRY,  
JEFFERSON BANK, JEFFERSON BANK-  
ARLINGTON LPO, PLAINSCAPITAL BANK,

**DECLARATION OF JASON M. GERBER,  
ESQ., IN SUPPORT OF MOTION FOR  
ORDER TO ISSUE TITLES**

## Defendants.

JASON M. GERBER, ESQ., being first duly sworn, deposes and says:

- 25           1. I am counsel for the Plaintiff in the above-entitled matter.  
26           2. I have personal knowledge of the facts stated herein, except for those stated upon  
27 information and belief and, as to those matters, I believe them to be true. I am competent to  
28 testify as to the facts stated herein in a court of law and will so testify if called upon.

3. Upon information and belief and pursuant to the Writs of Possession issued by the Court, VRI has repossessed Equipment in an effort to mitigate its damages in this matter.

4. VRI has subpoenaed records from the Nevada DMV regarding several pieces of Equipment. VRI subpoenaed this information for Equipment it could not locate title information for.

5. Representatives of Marquis & Aurbach, counsel for VRI, have spoken to representatives at the Nevada Department of Motor Vehicles regarding issuance of titles for the repossessed Equipment. The Nevada DMV requires a Court Order in order to issue titles for the Equipment.

Dated this 29 day of April, 2010.

A handwritten signature in black ink, appearing to read "JASON M. GERBER, ESQ.", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'G' at the beginning.

MARQUIS & AURBACH

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816